1951 **File No.** SNS 1057

**A CLASS**

P. W. **DEPARTMENT**

F **BRANCH**

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**Subject:**— Suspension

Government Servants

A [17] 1951

**File No.** SNS 1057

Ed. Scott. Slip. 94 A.

G R., G D., No. 2408, dated 22-6-22.]

Correspondence

# DOCKET SHEET (B)

*Subject :—*

File No. SNS 1057

PW DEPT.

F BRANCH.

*References :—*

Copies from the main file A [c]

| Date. | To whom sent. | Notes and instructions. |
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Suspension of Government Servants.

GOVERNMENT OF BOMBAY.
POLITICAL AND SERVICES DEPARTMENT.
Circular No. 2733/34.
Bombay Castle, 9th August 1951.

CIRCULAR OF GOVERNMENT?

In Government Circular Memorandum, Political and Services Department, No. 2733/34, dated the 9th December 1938 and 3rd July 1946 orders were issued that Government Servants against whom serious allegation are made should be suspened when there is a prima facie case to show that the allegations are correct. Government however has noticed that these orders are interpreted loosely and that suspension is ordered even in cases in which the circumstances do not justify it and the requirements would have been met by the transfer of the person concerned. Government considers that this is not satisfactory; as suspension, if it is ordered without sufficient justification is bound to cause unnecessary humiliation and much hardship to the Government servant concerned even if he is ultimately reinstated. Government is therefore pleased to direct that the practice of suspending Government servants lightly and without sufficient justification should be discontinued and that each case involving proposal for suspension should be carefully consideredand ordered only when the circumstances are found to justify it. Ordinarily suspension should not be ordered unless the allegations made against the person concerned are of a serious nature and on the basis of the evidence available there is a prima facie case for his dismussal or removal or there is reason to believe that his continuance on active service is likely to cause embarrassment or to hamper the investigation of the case. In other cases it will suffic if steps are taken to transfer the person concerned to another place to ensure that he has no opportunity to interfere with the witness or to tamper with the evidence against him.

By order of the Governor of Bombay,

M.D. Bhat.

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Secretary, Bombay Public Service Commission(with reference to his letter No 170-B, dated the 27th June 1951.)
The Accountant General, Bombay,
The Prothonotary and Senior Master, High Court, Bombay (By letter),
The Registrar, High Court, Appellate Side Bombay (by letter),
All other Head of Departments and Heads of Offices under the Several Departments of the Secretariat.
All Departments of the Secretariat.

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No . of 1951.

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Suspension of Government Servants.

For further orders
please see G.R. F.D. No.
1753/33 dated the
17-1-1952. (SNS 1052/11612)

GOVERNMENT OF BOMBAY

FINANCE DEPARTMENT.

Resolution No 1753/33.

Bombay Castle, 3rd July 1951.

RESOLUTION OF GOVERNMENT.

In exercise of the powers conferred by Article 309 of the constitution of India, the Governor of Bombay is pleased to direct that the following amendments shall be made in the Bombay Civil Services Rules Manual Volume I, Third Edition(Reprint):

Page 62 Rule 156.

Substitute the following for this rule :-

156. (a) A servant of Government against whom proceedings have been taken either for his arrest for debt or on a criminal charge should be considered as under suspension for any periods during which he isdetained in custody or is undergoing imprisonment, and not allowed to draw any pay and allowances (other than any subsistence allowance that may be granted in accordance wi with the principles laid down in Bombay Civil Services Rule 151) for such periods, until the termination of the proceedings taken against him. An adjustment of his allowances for such periods should thereafter be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame or (if the proceedings taken against him were for his arrest for debt) of its being proved that the officer's liability arose from circumstances beyond his control.

(b) A servant of Government against whom a criminal charge or a proceeding for arrest for debt is pending should also be placed under suspension by the issue of

specific orders to this effect during periods when he is not actually detained in custody or imprisoned (e.g. whilst released on bail), if the charge made or proceeding taken against him is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude. In regard to his pay and allowances the provisions of clause (a) above shall apply.

By order of the Governor of Bombay,

P.V.R. RAO,

Secretary to Government.

G.R. No 1753/33 F.D. dated 3rd July 1951

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
*The Prothonotary and Senior Master, High Court, Bombay,
* The Registrar of High court of Judicature, Appellate Side, Bombay,
All Heads of Offices under the Several Departments of the Secretariat,
All Departments of the Secretariat.

*By letter.

No of 1951.

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Suspension:
of Government Servants.

GOVERNMENT OF BOMBAY.
FINANCE DEPARTMENT.
Corrigendum No 1753 /33.
Secretariat, (Annexe) Fort, 14th March 1952.

CORRIGENDUM OF GOVERNMENT.

The word " departmental" occurring before the word "proceedings" in line 1 of clause (a) of Bombay Civil Service Rule 156 as substituted by Government Resolution, Finance Department, No 1753/33 dated 3rd July 1951 should be deleted.

By order of the Governor of Bombay,

M.D. RANGANEKAR,
Under Secretary to Government.

To

The Accountant General, Bombay (with reference to his No M.A. 215 dated 18th February 1952)
The Deputy Accountant General, Baroda,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar of High Court of Judicature, Appellate Side, Bombay,
All Heads of Offices under the Several Departments of the Secretariat,
All Departments of the Secretariat.

*By letter.

No of 1952.

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